

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: LOIS-JEAN CESCILIA BENJAMIN	:	CHAPTER 13
Debtor	:	
	:	
JACK N. ZAHAROPOULOS	:	
STANDING CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	
vs.	:	
	:	
LOIS-JEAN CESCILIA BENJAMIN	:	
Respondent	:	CASE NO. 5-23-bk-00404

TRUSTEE’S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 10th day of April, 2023, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor's plan for the following reason(s):

1. Debtor's plan violates 11 U.S.C. § 1322(a)(2) in that the debtor has not provided for full payment, in deferred cash payments, of all claims entitled to priority under 11 U.S.C. § 507.
2. Debtor's plan violates 11 U.S.C. § 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, the debtor has excess non-exempt equity in the following:
  - a. Commercial real estate – if plan is not 100%.
3. The Trustee avers that debtor's plan is not feasible based upon the following:
  - a. The plan is underfunded relative to claims to be paid – 100% plan.
4. The Trustee provides notice to the Court as to the ineffectiveness of debtor's Chapter 13 Plan for the following reasons:
  - a. The plan is not clear as to whether student loans are to be paid outside of the plan.

WHEREFORE, Trustee alleges and avers that debtor's plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

/s/Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
(717) 566-6097

CERTIFICATE OF SERVICE

AND NOW, this 21st day of April, 2023, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Robert Kidwell, Esquire  
P.O. Box 511  
Stroudsburg, PA 18360

/s/Deborah A. DePalma  
Office of Jack N. Zaharopoulos  
Standing Chapter 13 Trustee